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services already rendered to the cause of peace and justice by the institutions and decisions formed by the first Conference. The opinion has been expressed that the differences settled, as the result of the first Conference, have not exceeded in importance cases connected with international peace meet to be dealt with in a magistrate's court. Well, even magistrates render signal services to order and public tranquillity. They settle amicably private quarrels, and thereby contribute to maintain an atmosphere of peace between individuals by doing away with petty causes of irritation, which, by accumulating, often produces great hostility. The same is the case between nations. It is by preventing trivial friction in the relations of countries that the ground is prepared for an understanding when greater interests are at stake.

The solemn recognition of the principle of arbitration has already created among various states a disposition to have recourse to arbitration for the settlement of disputes, the limits of which always have a tendency to widen. Thus, since 1899, thirty-three [the exact number is forty-five — ED.] arbitration conventions have been concluded between different states. But there is still more. Four grave and complicated questions, capable of creating friction between the powers, have been taken before the Hague Arbitration Court; and the Commission of Inquiry established by the Act of 1899 had to consider, as every one remembers, a case of infinite gravity, which might, without its happy intervention, have had the most dangerous consequences.

We can therefore look with respect upon the results of the activity of our predecessors at The Hague. They should act as an incentive to us to persevere in the work which they have done and to give it a larger development. All friends of civilization are following with sympathetic interest the progress of the international institutions resulting from the first Peace Conference, and a generous citizen of the United States has even given a fortune for the building here of a sumptuous palace in which these institutions will have their permanent headquarters. It is for us to make them worthy of this act of munificence, which would also be a means of showing our gratitude to Mr. Carnegie.

However, let us not be too ambitious. Let us not forget that our means of action are limited; that nations are living beings, just like the individuals composing them; that they have the same passions, aspirations, weaknesses, and impulses, and that if, in our daily life, courts of justice, in spite of the severity of the penalties with which they are armed, fail to prevent quarrels, brawls and fights between individuals, it will be the same between nations, although the progress of conciliation and the progressive softening of manners certainly ought to diminish the number of such cases.

Let us, above all, not forget that there is a whole class of questions in which the honor, dignity and essential interest of individuals as well as of nations are engaged, and in which neither party, whatever the consequences, will recognize any authority than that of its own judgment and personal sentiments. But that should not discourage us from dreaming of the ideal of universal peace and the fraternity of peoples, which are, after all, but the natural higher aspirations of the human soul. Is not the pursuit of an ideal, towards which we always strive without ever reaching it, the essential condition of all

progress? When once a tangible object has been attained the enthusiasm ceases, whereas for the progress of any enterprise it is necessary to have the constant stimulus of aiming at something higher. "Excelsior" is the motto of progress. Let us set bravely to work, our path lit up by the bright star of universal peace, which we shall never reach, but which will always guide us for the good of humanity, for whatever within the modest limits of our means we can do for individuals by lightening the burdens of war, and for states by preventing conflicts, will entitle the governments which we represent to the gratitude of humanity.

The Present Status of the International Arbitration Movement.

BY BENJAMIN F. TRUEBLOOD.

Address at the Mohonk Arbitration Conference, May 22.

It is only twelve years since the first Arbitration Conference met here at Mohonk. And what marvelous years they have been! This Conference has developed from a body of three-score members who were doubtful and timid to a body of fifteen score persons who gather in a spirit of exultation over the past and confidence for the future. During these years the Interparliamentary Union has grown from a tentative association of a few hundred members of parliament to a powerful organization of over two thousand statesmen, which commands the respect and close attention of the world. Numerous other peace organizations, some of them older, some of them younger, have developed in the same extraordinary way. Governments themselves and kings and presidents have changed their attitude almost entirely toward the movement for international peace. The settlements of international controversies by arbitration have increased in this brief period nearly a hundredfold, until the principle of arbitration is now a well-recognized part of international law and practice. The Hague Conference has been held, the permanent international court established and successfully inaugurated. Treaties of arbitration, for which we were contending in the first years of this Conference, have been concluded to the number of more than forty, binding all the nations of Western Europe and some of those of South America into a pact of peace not likely soon to be broken.

A second Intergovernmental Peace Conference has been called on the initiative of our government, and is to assemble at The Hague next month with representatives from all the organized governments of the globe. During this same period two Pan-American Conferences have been held, which have resulted not only in greatly promoting the arbitration movement, but in the organization of a permanent International Union of the American Republics. Such progress in the short space of twelve years in any line of human advancement is unparalleled in the history of the world.

But the movement in whose behalf we have gathered again in this fifteenth Mohonk Conference, because of its extraordinary growth, has reached a stage of very peculiar interest. It can hardly be called a critical stage, though it contains features which may well fix the closest attention and even awaken the solicitude of all those who labor and watch for the permanent peace of the world.

The movement, in some features of it, seems to have reached a practical standstill. Only one additional

treaty of obligatory arbitration between two nations has been concluded since we gathered here last May, namely, the recent one between Denmark and Portugal, which is to run ten years and is otherwise unlimited. Progress in this direction seems to have nearly spent itself, though there are still a number of the powers which have not yet entered into arbitration conventions with each other, notably France and Germany. Nor has any advancement been made at Washington toward the removal of the disagreement between the President and the Senate, which led to the failure of the arbitration treaties signed by the late Secretary Hay. Again, the Hague Court has not had any controversies referred to it within the year. Even outside of the Hague Court there has been almost nothing in the way of arbitration. A number of cases of boundary delimitation and of the adjustment of claims by mixed commissions — mostly of some years standing — have been, it is true, completed during the year. These have been mostly between South American States or the European countries which have colonial possessions in Africa or elsewhere, but the diplomatic slate is being rapidly cleared of even these cases, only a few still remaining uncompleted and still fewer new cases coming up for settlement.

It would seem then, at first sight, that arbitration, which has been so prevalent in recent years, is going suddenly out of fashion and is to fall again into disuse. I have even heard this suggestion made by otherwise intelligent men, who do not seem to have looked deeply into the situation. But such a suggestion is as far as possible from being a true interpretation of the situation. The Hague Court, it is true, has had no new business, but the reason is that there have been no disputes of importance between the powers which are parties to it. These nations are now living in a practically new attitude toward one another, partly because of the very existence of the Hague tribunal and the mutual work which they did in setting it up, and partly because of the marvelous increase of intercourse among the nations and their consequent better acquaintance and rapidly increasing sense of oneness and interdependence. To arbitrate disputes is an excellent thing, but it is a still "more excellent way" so to live as not to have quarrels to arbitrate. Into that "more excellent way" the nations, let us hope, are permanently entering.

England and France, which once fought perpetually, but have not engaged in war with each other for more than ninety years, are faithfully carrying out their agreement of three years ago to adjust by arbitration or otherwise all the outstanding differences between them. Diplomacy, as is illustrated in this case, has, largely because of the commanding position reached by the arbitration in the setting up of the Hague Court, become an almost constant agency for allaying differences before they reach the stage where arbitration becomes necessary. This is a very great step forward toward the attainment of settled international peace.

All this is conclusive proof that our movement has not in any sense grown weaker, but is strong with that strength which comes from signal victories already won and the prospect of greater ones in the immediate future.

From another point of view also the cause of arbitration reveals its growing power. All of the organizations, in whatever field, which are laboring for its success, have

increased and reinforced their efforts during the past year. They are all refusing to be satisfied with the results of the first Hague Conference, important as they were, and with the limited treaties of obligatory arbitration which have already been concluded. They are insisting, with one voice, that the scope of the Hague Court shall be extended so as to include all the nations, and its powers increased so far as may be necessary to make it a real international court of justice. They are likewise demanding that the arbitration treaties already in force shall be supplemented, or rather supplanted, by a general treaty of arbitration to be concluded by all the nations acting together; and many of them go so far as to insist that there are no disputes to-day between governments which may not be honorably settled by a world tribunal of their own creation. This general demand of the enlightened public opinion of the world is the supreme guarantee that the course of the arbitration movement is to be in no sense backward, but upward and onward to complete victory. This proposal of a general arbitration treaty as nearly unlimited as possible, or at any rate specifying a large number of classes of cases as suitable for arbitration, seems almost certain to meet with the approval of the Conference to meet next month at The Hague.

What I have said of arbitration specifically is as true of nearly the whole group of measures, of which arbitration is only one, which have been put forward by this Conference, by the Interparliamentary Union, the Peace Congress, the Peace Societies, the National Peace Congresses, and numberless chambers of commerce, business organizations, and societies and clubs of every description. It is now generally acknowledged that the Hague Court is only a part of a world system, all of whose departments must be promoted together, if any one of them is to have complete success.

The arbitration movement will be greatly strengthened if all unoffending private property shall be made exempt from capture at sea in time of war. There is little doubt that the forthcoming Conference at The Hague will approve of this measure, which has always been favored by our government. With the commerce of the world permanently neutralized, occasions for war, or even for serious contention, will be reduced to a minimum. Our movement will also be powerfully reinforced if the Hague Conference itself shall hereafter be made a permanent periodic body, as it is proposed that the coming Conference shall recommend to the governments. An agreement among the nations which are to be represented at The Hague, hereafter, before hostilities are engaged in, to have investigated by friendly powers or by an international commission of inquiry any dispute which it may not be possible to embrace within the terms of an arbitration convention, will almost put the crowning sheaf upon the whole movement. There is reason to hope that the Conference at The Hague can be induced to take this great step, though it is almost certain that a few of the powers will seriously hesitate to renounce the right of fighting without allowing any third parties to give advice in regard to the issues at stake.

It does not seem to me to be pushing the contention too far to say that the further success of the arbitration movement is closely wrapped up with the subject of armaments. It appears very doubtful if an entirely

satisfactory system, such as we are contending for, can ever be completed unless the nations are willing to enter into an agreement for at least the arrest of the present rivalry of armaments. As long as the nations insist on holding that force, instead of a great tribunal of justice, shall be the final resort in serious cases of controversy, and continue, on this theory, to increase their armies and navies, it will be impossible to get them to agree in advance to arbitrate all or even any great number of their controversies before any judicial tribunal whatever.

This conference cannot do better, therefore, than to reaffirm, if possible with increased emphasis, the conclusions which it reached last year with regard to the subjects that ought to be considered and favorably acted upon at the coming Hague meeting, including that of limitation of armaments, the most urgent of all the international questions now pressing for solution.

We ought, of course, to continue our efforts to secure the widest possible study of the subject of pacific settlement of international disputes in the universities, colleges and schools of the country, and in all other influential circles, but the coming Hague Conference, whose early meeting is now assured, makes it urgent that this gathering should again utter its voice in no uncertain terms with regard to the steps which the world is certainly prepared to have taken in the interests of the common welfare of humanity.

New Glories for Holland.

On July 9, at The Hague, Hon. Richard Bartholdt, on behalf of the United States group of the Interparliamentary Union, of which he is president, presented to the Netherlands group a magnificent white-bordered peace flag. In making the presentation Mr. Bartholdt said:

"However glorious may have been the history of Holland, it seems that the future has reserved for this country new glories still, at least in the opinion of those who believe in international justice and peace. It is the second time that this country receives the entire world, and in these days the eyes of the whole human family are turned toward your charming capital, The Hague. And what does this signify? In my opinion, nothing else than the conviction of the different governments that your city, so proud of itself, is destined to be the seat of the World Government, of which the first Conference laid the foundation stone and which we hope will be consolidated and perpetuated by the Conference now in session.

"And we are proud of it, we Americans, in recalling that we have contributed in considerable measure towards hastening this happy issue. Not only is it a distinguished American, celebrated for other reasons than his riches, and endowed with a prophetic faculty, who has generously provided a permanent home for this World Government, but the greatest American of our day has likewise made the choice of your capital for this important international meeting a matter of personal concern.

"Will not the combined action of the governments fulfill the just expectations of their people? We await anxiously the answer. With the increase of the participation of ordinary people in the affairs of government, the

movement in favor of the elimination of force and the substitution of judicial methods in its place is gaining more and more, and will soon be irresistible; for the peoples feel instinctively that the interests which they have in common are always greater than the real or imaginary differences which may temporarily divide them. Even the national honor can be vindicated with more certainty by submission to the verdict of an impartial tribunal than by the use of force, — which determines not who is in the right, but only who is the stronger."

New Books

PROBLEMS OF INTERNATIONAL PRACTICE AND DIPLOMACY. By Sir Thomas Barclay. London: Sweet and Maxwell, Limited, 3 Chancery Lane, W. C. Price, £1 1s. net.

This work of Sir Thomas Barclay, whose eminent services to the cause of international arbitration and peace are so well known, is written with special reference to the Hague Conferences and Conventions and other general international agreements. It is an attempt to formulate with precision and in detail the *problems* of international practice. It proceeds as far as possible from the point of view of precedent and experience rather than from that of theory. It deals with all the leading problems of the subject, whether susceptible of solution by international conferences or not. It gives first place to the questions suggested for consideration by the second Hague Conference and any future conferences of the kind. It supplements existing treatises on International Law, and thus will be found to be a useful source of information for students of the subject. The scope of the work may be judged by a few of the titles: Extension of the Scope of Arbitration Treaties and of the Jurisdiction of the Hague Court; Proposed Modifications in the Procedure of the Hague Court; Revision of the Mediation Clauses of the Hague Convention; Immunity of Private Property at Sea from Capture; Revision of the International Law of Neutrality; An International Prize Court; Contractual Limitation of Armaments; Principle of the "Open Door"; Employment of Arms for the Enforcement of Commercial and Financial Obligations. Dr. Barclay includes in the work a number of suggested draft treaties and clauses on a variety of international matters, as, for example, a treaty to include vital interests and national honor; for establishing a uniform practice in regard to contraband of war; for the assimilation of private property at sea to private property on land in warfare; for an agreement respecting mail ships, etc. Dr. Barclay writes in a terse and lucid style, and one never has any difficulty in comprehending his meaning. The value of the work for reference is enhanced by a good table of contents and by a number of appendices giving the texts of various conventions.

AMONG THE WORLD'S PEACEMAKERS. By Hayne Davis. New York: The Progressive Publishing Company.

This is a collection of special articles written by Mr. Davis chiefly for the New York *Independent*, which with attractive chapter headings he has made into a book. The work pretends to no historical perspective and has none. It is without chapters on Worcester, Ladd, Channing, Sumner, Burritt or Jay. It knows nothing